Page 1 of 3

**DOCKET NO.:** 2007-0312-AIR-E **TCEQ ID:** RN100929140 **CASE NO.:** 32820

RESPONDENT NAME: U.S. Minerals, LLC dba Stan Blast Abrasives

		·				
ORDER TYPE:						
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING				
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
_AMENDED ORDEREMERGENCY ORDER						
CASE TYPE:						
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE				
PUBLIC WATER SUPPLY	UBLIC WATER SUPPLYPETROLEUM STORAGE TANKS					
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL				
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION				
*						
SITE WHERE VIOLATION(S) OCCURR	RED: Stan Blast Abrasives, 5712 Harborside Drive,	Galveston, Galveston County				
TYPE OF OPERATION: Coal slag crushin	g plant					
SMALL BUSINESS: X Yes	No					
	omplaint was documented on December 13, 2007. The dof additional pending enforcement actions regards					
INTERESTED PARTIES: A complaint wa Agenda.	s received, but the complainant has not expressed a	desire to protest this action or to speak at				
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on August 27, 2007.	No comments were received.				
CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, R-12, (713) 422-8931; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Fred Vukas, President and General Manager, U.S. Minerals, LLC dba Stan Blast Abrasives, 3145 45th Street, Highland, Indiana 46322 Respondent's Attorney: Not represented by counsel on this enforcement matter						

detailed supporting documentation

including receipts and/or other records to

**DOCKET NO.:** 2007-0312-AIR-E

#### 医乳腺素 医黄色乳色囊 化解除剂 医二甲二氏结膜炎 医电压器 VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS **VIOLATION INFORMATION** PENALTY CONSIDERATIONS... TAKEN/REQUIRED Type of Investigation: Total Assessed: \$26,035 Corrective Actions Taken: X Complaint \_\_\_ Routine Total Deferred: \$5.207 1) The Executive Director recognizes that \_\_\_ Enforcement Follow-up X Expedited Settlement US Minerals completed repails to the elevator chute, increased water flow to the \_\_\_ Records Review Financial Inability to Pay screw conveyor, and added an additional Date(s) of Complaints Relating to this spray bar to the screw conveyor on February Case: December 13, 2006 SEP Conditional Offset: \$0 1, 2007. Ordering Provisions: Date of Investigation Relating to this. Total Paid to General Revenue: \$20.828 Case: December 14, 2006 to February 3, Site Compliance History Classification 2) The Order will require the Respondent High X Average Poor Date of NOE Relating to this Case: February 15, 2007 (NOE) Person Compliance History Classification a. Immediately upon the effective date of High X Average Poor this Agreed Order, until such time Background Facts: This was a complaint authorization to operate is obtained or investigation. Four violations were Major Source: Yes X No until 180 days after the effective date of documented. this Agreed Order, which ever is earlier, Applicable Penalty Policy: September 2002 comply with the provisions in expired AIR Permit No. 18048. 1) Failure to prevent the opacity of b. Within 30 days after the effective date emissions from a stationary vent from of this Agreed Order: exceeding 20% averaged over a six-minute period. Specifically, on February 1, 2007 i. Implement measures designed to prevent investigators documented emissions from a the recurrence of excess opacity events due stationary vent with an opacity of 70% to the same cause as the February 1, 2007 averaged over a six minute period [30 Tex. excess opacity event; and ADMIN. CODE § 111.111(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. ii. Develop and implement procedures to ensure proper notification of future excess 2) Failure to ensure that all emission opacity events. capture and abatement equipment is maintained in good working order and c. Within 45 days after the effective date of operated properly during facility this Agreed Order, submit written operations. Specifically, on December 14, certification of compliance with Ordering 2006 and February 1, 2007 investigators Provision b.i. and b.ii., as documented particulate matter being described in Ordering Provision e. emitted from a hole in the elevator chute [30 Tex. ADMIN. CODE § 101.221(a) and d. Within 180 days after the effective date TEX. HEALTH & SAFETY CODE § of this Agreed Order, submit written 382.085(b)]. certification, as described in Ordering Provision e., that either authorization to 3) Failure to renew a permit to operate operate all sources of air emissions has prior to the date the permit expired. been obtained or that all unauthorized Specifically, during the investigation it was emissions have ceased until such time that documented that Standard Permit No. appropriate authorization is obtained. 18048 was due to be renewed on June 30, 2003, however the permit has not been e. The certifications required by Ordering renewed and the plant has continued to Provision c. and d. shall in include

operate [30 Tex. ADMIN. CODE § 116.315

and Tex. Health & Safety Code §

382.085(b)].

# **RESPONDENT NAME:** U.S. Minerals, LLC dba Stan Blast Abrasives **DOCKET NO.:** 2007-0312-AIR-E

4) Failure to report an excess opacity event within 24 hours after discovery.  Specifically, on February 2, 2007 and during subsequent database reviews it was documented that the February 1, 2007 excess opacity event was not reported to the TCEQ [30 Tex. ADMIN. CODE § 101.201(e) and Tex. Health & Safety CODE § 382.085(b)].	demonstrate compliance, be notarized by a State of Texas Notary Public.
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#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision January 9, 2007 Assigned 21-Feb-2007 PCW 28-Feb-2007 Screening 8-Feb-2007 EPA Due 12-Nov-2007 RESPONDENT/FACILITY INFORMATION Respondent U.S. Minerals, LLC dba Stan Blast Abrasives Reg. Ent. Ref. No. RN100929140 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 32820 No. of Violations 4 Docket No. 2007-0312-AIR-E Order Type 1660 Media Program(s) Air Quality Enf. Coordinator Rebecca Johnson Multi-Media EC's Team EnforcementTeam 6 Admin. Penalty \$ Limit Minimum \$10,000 Maximum **Penalty Calculation Section** TOTAL BASE PENALTY (Sum of violation base penalties) \$20,500 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage **Compliance History** 27% Enhancement \$5,535 Penalty enhancement due to one NOV issued for same or similar violations, one NOV issued for unrelated violations, and one agreed order containing a denial of liability. 0% Enhancement Subtotal 4 Culpability No \$0 The Respondent does not meet the culpability criteria. Notes \$0 Reduction Subtotal 5 **Good Faith Effort to Comply** NOV to EDPRP/Settlement Offer Before NOV Extraordinary Ordinar (mark with x) N/A The Respondent does not meet the good faith criteria. Notes Subtotal 6 \$0 0% Enhancement Total EB Amounts Capped at the Total FR \$ Amount \$1,671 Approx. Cost of Compliance \$14.250 \$26,035 **SUM OF SUBTOTALS 1-7** Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for Notes Final Penalty Amount \$26,035 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$26,035 -\$5,207 **DEFERRAL** 20% Reduction Adjustment Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement,

\$20,828

Notes

PAYABLE PENALTY

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives

Case ID No. 32820

Reg. Ent. Reference No. RN100929140

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnso

Policy Revision 2 (September 2002) PCW Revision January 9, 2007

	Compliance History Worksheet			
<ul> <li>Compliance History Component</li> </ul>	Site Enhancement (Subtotal 2) Number of	nter Number Here	Adjust.	
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%	. A. O.
	Other written NOVs	. 1	2%	
vice)	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	ck yalinga O shajimet trunk	0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	Ö-	0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0'	0%	(Fut life
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	. 0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
AUG.	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
has first a solven share for contract of a district	Pleas	se Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Participation in a voluntary pollution reduction program	No ⊍	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	. 0%	
<u> </u>	Adjustment P	ercentage (Sเ	btotal 2)	27%
Repeat Violator (Su	btotal 3)			
No	Adjustment P	ercentage (Sเ	btotal 3)	0%
Compliance History	Person Classification (Subtotal 7)			
Average Po	erformer Adjustment P	ercentage (Su	btotal 7)	0%
Compliance History	Summary			
Compliance History Notes	Penalty enhancement due to one NOV issued for same or similar violations, one NOV issued violations, and one agreed order containing a denial of liability.	d for unrelated		
NOTES	Total Adjustment Percentage	(Subtotals 2	2 & 7)	27%

Screening Date 8			<b>No.</b> 2007-0312-AIR-E	PCW
Respondent Case ID No. 3	U.S. Minerals, LLC dba	Stan Blast Abrasives		vision 2 (September 2002)
Reg. Ent. Reference No. 1			PCV	/ Revision January 9, 2007
Media [Statute]				
Enf. Coordinator				
Violation Number	1 1			
Rule Cite(s)	30 Tex. Admin. Code §	§ 111.111(a)(1)(B) and Te	ex. Health & Safety Code § 382.085(b)	
Violation Description	averaged over a six-r	minute period. Specificall	a stationary vent from exceeding 20% ly, on February 1, 2007 investigators lith an opacity of 70% averaged over a riod.	
			Base Penalty	\$10,000
>> Environmental, Property ar	nd Human Health N	Matrix		
	Harm			98
OR Release Actual	Major Moderat	te Minor		POOCONE
Potential			Percent 25%	divine a service and a service
>>Programmatic Matrix				
Falsification	Major Moderat	te Minor		***************************************
	· ·		Percent 0%	-
Human bootth	and the environment h	ava haan aynasad ta sigr	afficient amounts of pollutants which did	
Matrix   not exceed le			nificant amounts of pollutants which did irronmental receptors as a result of the	No.
Notes		violation.		
			Adjustment \$7,500	
			Adjustment v7,000	, *-
				\$2,500
Violation Events				
Number of Viol	lation Events 1	1	Number of violation days	
	daily monthly			
mark only one	quarterly		Violation Base Penalty	\$2,500
with an x	semiannual	·		
operation of the second of the	single event x			Particular and the second
				1
	One	single event is recomme	ended.	
Economic Benefit (EB) for thi	s violation		Statutory Limit Test	
Estimated	I EB Amount	\$197	Violation Final Penalty Total	\$3,175
		This violation Final A	ssessed Penalty (adjusted for limits)	\$3,175
		This Floration I man A	and the state of t	ψ0,170

		conomic E	senetit vv	OIKE	sneet	Market Co.	
		LLC dba Stan Blast	. Abrasives	-	4		
Case ID No.	32820						
Rea. Ent. Reference No.	RN100929140				that it is \$100.		ACMO C.
The state of the s	Air Quality				*	T-1 (15)	Years of
Violation No.						Percent Interest	Depreciation
Violation No.				#1550m178.0			er meruda er men al pena, and
	Item Cost	Date Described	Final Date	3,42	Interest Saved	5.0 Onetime Costs	15
House Description		Date Required	rinai Date	Yrs	interest Saved	Unetime Costs	EB Amount
Item Description	No commas or \$				A SECTION OF SECTION		EXECUTE AND ADDRESS OF THE PARTY OF THE PART
Delayed Costs	2 466		7.5		1 1 1		
Equipment				0.0	\$0	\$0	\$0
Buildings			The second second second	0.0	\$0 ⊨	\$0	\$0
Other (as needed)		AND THE RESERVE OF THE PARTY OF	According to the Control of the Cont	0,0	\$0	\$0	\$0
Engineering/construction		Congress and Congr		0.0	\$0	\$0	\$0
Land		ings and recognized the		0.0	\$0.	n/a	\$0
Record Keeping System		100		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	Marin S. L. College			0.0	-\$0	n/a	\$0
Permit Costs			7 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	0.0	\$0	n/a	\$0
Other (as needed)	\$3,500	1-Feb-2007	18-Mar-2008	1,1	\$197	n/a	\$197
	ll Date requir	red based on the da	ate the excess on:	anity was	s documented. Fi	nal date based on ti	o projected
Notes for DELAYED costs  Avoided Costs  Disposal		Construction of Construction Co	completion	of corre	ictive actions.  item (except for \$0	one-time avoided o	costs) \$0
Avoided Costs  Disposal  Personnel		Construction of Construction Co	completion	of corre	ictive actions.  item (except for \$0 \$0	one-time avoided o	costs)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		Construction of Construction (Construction Construction C	completion	of corre	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		Construction of Construction (Construction Construction C	completion	ntering   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		Construction of Construction (Construction Construction C	completion	of corrections of cor	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided (	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		Construction of Construction (Construction Construction C	completion	ntering   0.0   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		Construction of Construction (Construction Construction C	completion	of corrections of cor	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided (	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		Construction of Construction (Construction Construction C	completion	ntering   0.0   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		Construction of Construction (Construction Construction C	completion	ntering   0.0   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Screening Date 8-Feb-2007 Docket No. 2007-0312-AIR-E	PCW
	evision 2 (September 2002)
	V Revision January 9, 2007
Reg. Ent. Reference No. RN100929140	
Media [Statute] Air Quality Enf. Coordinator Rebecca Johnson	
Violation Number 2	
Rula Cita(s)	1
30 Tex. Admin. Code § 101.221(a) and Tex. Health & Safety Code § 382.085(b)	
Failed to ensure that all emission capture and abatement equipment is maintained in good working order and operated properly during facility operations. Specifically, on December 14, 2006 and February 1, 2007 investigators documented particulate matter being emitted from a hole in the elevator chute.	
Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix	
Harm	
Release Major Moderate Minor OR Actual x	4
Potential Percent 10%	
>>Programmatic Matrix	
Falsification Major Moderate Minor Percent 0%	
Tercent 070	
Matrix Notes  Human health and the environment have been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health and environmental receptors as a result of the violation.	
Adjustment \$9,000	
- Augustion 40,000	
	\$1,000
Violation Events	
Number of Violation Events 2 Number of violation days	· accordance
	and the second second
daily	
monthly Wiolation Base Penalty	\$2,000
with an x semiannual semiannual	Ψ2,000
annual	
single event x	·
Two single events are recommended.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$27 Violation Final Penalty Total	\$2,540
This violation Final Assessed Penalty (adjusted for limits)	\$2,540

Reg. Ent. Reference No	32820				100	ilian de sea	
	Air Quality				No. of the same	Percent Interest	Years of Depreciation
		na Har	5 5 5 5 cc	i i	table to the	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$	数据 绿色色。					
Delayed Costs Equipment	\$	1		1 o,o [	\$0	\$0	\$0
Equipment Buildings	Water Strategies of Strategies	4 4 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6		0.0	\$0 \$0	\$0	\$0 \$0
Other (as needed)		1 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7		0.0	\$0	\$0	\$0.
Engineering/construction		10.00		0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling			and the San Carlotte	0.0	\$0	n/a	\$0
Remediation/Disposal		To the second se		0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)  Notes for DELAYED costs						n/a the screw conveyor, liest documentation	\$27 and to add an
Notes for DELAYED costs  Avoided Costs  Disposal	Estimated co additional spi	ost to repair the roo ray bar to the screw Final dat	f and elevator chu conveyor. Date e based on the da	ite, increasequired bute correct	se water flow to ased on the earl ive actions were tem (except for \$0	the screw conveyor, liest documentation completed.  one-time avoided of \$0	\$27 and to add an of the violation.
Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated co additional spi	ost to repair the roo ray bar to the screw Final dat	f and elevator chu conveyor. Date e based on the da	ite, increas required b ite correct	se water flow to ased on the earl ive actions were tem (except for \$0 \$0	n/a the screw conveyor, lest documentation completed.  one-time avoided c \$0 \$0	\$27 and to add an of the violation.  costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs  Disposal	Estimated co additional spi	ost to repair the roo ray bar to the screw Final dat	f and elevator chu conveyor. Date e based on the da	required by the correct of the corre	se water flow to ased on the earl ive actions were tem (except for \$0	the screw conveyor, liest documentation completed.  one-time avoided of \$0	\$27 and to add an of the violation.
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated co additional spi	ost to repair the roo ray bar to the screw Final dat	f and elevator chu conveyor. Date e based on the da	ite, increasive prequired by the correct properties of the correct pro	se water flow to assed on the earl ive actions were tem (except for \$0 \$0 \$0 \$0 \$0	the screw conveyor, liest documentation completed.  one-time avoided of \$0 \$0 \$0 \$0	\$27 and to add an of the violation.  costs) \$0 \$0 \$0
Notes for DELAYED costs  AVOIDED COSTS DIsposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated co additional spi	ost to repair the roo ray bar to the screw Final dat	f and elevator chu conveyor. Date e based on the da	te, increase required by the correct entering if	se water flow to lassed on the earl ive actions were tem (except for \$0 \$0 \$0 \$0 \$0	n/a the screw conveyor, liest documentation completed.  one-time avoided of \$0 \$0 \$0 \$0 \$0	\$27 and to add an of the violation.  costs) \$0 \$0 \$0 \$0
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co additional spi	ost to repair the roo ray bar to the screw Final dat	f and elevator chu conveyor. Date e based on the da	te, increase required by the correct entering if 0.0 0.0 0.0 0.0 0.0 0.0 0.0	se water flow to assed on the earl ive actions were tem (except for \$0 \$0 \$0 \$0 \$0	n/a the screw conveyor, liest documentation completed.  one-time avoided completed some some some some some some some some	\$27 and to add an of the violation.
AVOIDED COSTS  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co additional spi	ost to repair the roo ray bar to the screw Final dat	f and elevator chu conveyor. Date e based on the da	entering If	se water flow to lased on the earlive actions were tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the screw conveyor, lest documentation completed.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$27 and to add an of the violation.  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
AVOIDED COSTS  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co additional spi	ost to repair the roo ray bar to the screw Final dat	f and elevator chu conveyor. Date e based on the da	entering If	se water flow to lased on the earlive actions were tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the screw conveyor, lest documentation completed.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$27 and to add an of the violation.  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Screening Date	8-Feb-2007	Docket	<b>No.</b> 2007-0312-AIR-E	PCW
Respondent	U.S. Minerals, LLC dba S	Stan Blast Abrasives	Policy I	Revision 2 (September 2002)
Case ID No.			PC	CW Revision January 9, 2007
Reg. Ent. Reference No.	RN100929140			
Media [Statute]	Air Quality			
Enf. Coordinator	Rebecca Johnson			
Violation Number				_
Rule Cite(s)	30 Tex. Admin. Co	de § 116.315 and Tex. He	ealth & Safety Code § 382.085(b)	
Violation Description	during the investigation	it was documented that S	date the permit expired. Specifically, tandard Permit No. 18048 was due to it has not been renewed and the plant perate.	
			Base Penalty	y \$10,000
>> Environmental, Property	and Human Health M	latrix		
2 Transfer of the second	Harm			
Release		Minor		
OR Actua Potentia			Percent 0%	
>>Programmatic Matrix				The second second
Falsification	Major Moderate	e Minor		
T dismostion	x		Percent 10%	
Matrix Notes	100% of t	the rule requirements were	e not met.	
			Adjustment \$9,00	0 * MAN
		•		\$1,000
Violation Events				
Number of V	olation Events 15	134	Number of violation days	-
	daily			
mark only one with an x	monthly quarterly x semiannual		Violation Base Penalt	у \$15,000
	annual single event			
Fifteen q		mend based on the June ruary 28, 2007 screening	30, 2003 permit renewal date to the date.	
Economic Benefit (EB) for the	nis violation		Statutory Limit Test	
	ed EB Amount	\$1,349	Violation Final Penalty Tota	al \$19,050
		This violation Final A	ssessed Penalty (adjusted for limits	\$19,050
		inia violation i mai A	socooca i charty (aujusteu for filling	φ10,000

	Section and the second section is a second section of the	90990000000000000000000000000000000000	Benefit W	orks	heet		
		LLC dba Stan Blast	Abrasives	***	,		
Case ID No.							
Reg. Ent. Reference No.	RN100929140				(34) (1) · ·	1180 A 6 1 1 1 1 1 1	it is the second of the second
Media	Air Quality				de de	Percent Interest	Years of
Violation No.	3				Constraint	r cicent interest	Depreciation
	<b>基基金数</b>		通点 电影性		4 8 55 55	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					福州建造人	
Delayed Costs Equipment		1		0.0	\$0	\$0	\$0
Equipment Buildings	pining pasa daga ji ad	This bear and the second	11 11 11 11 11 11 11 11 11 11 11 11 11	0.0	\$0 \$0	\$0	\$0
Other (as needed)	V 4-20 (1990)		A. I (3) (23) (3)	0.0	\$0	\$0	~ 1 444.4 <b>\$</b> 010.4857
Engineering/construction	The state of the s			0.0	\$0	\$0	\$0
Land			The second secon	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling		constituent of the constituent of the	Since year to see a see all and a	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	30-Jun-2003	19-Nov-2008	5.4	\$1.349	n/a	\$1,349
						e authorization to o	
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		U.S. Minerals, L	LC dba Stan	Blast Abrasives			Policy Re	vision 2 (September 2002)
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ase ID No.						PCW	Revision January 9, 2007
Reg. Ent. Refe	C. R. C. C. C. L. C.							
	a [Statute]	Air Quality Rebecca Johnso						
	tion Number		)II	•				
	Rule Cite(s)			404 0044 3				
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Violation	ı Description	February 2, 200	07 and during	pacity event with g subsequent da xcess opacity ev	tabase revie	ws it was docum	ented that the	
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	Number of Vic	olation Events	1	To a	26 N	umber of violation	on days	
							•	
		daily						
was a second	mark only one	monthly quarterly				Violatio	n Base Penalty	\$1,000
***************************************	with an x	semiannual					· <b>,</b> į	· · ·
		annual						
		single event	<u> </u>					
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Economic Benefit	(EB) for th	is violation			Ś	tatutory Lim	it Test	
***************************************	Estimate	d EB Amount		\$98		Violation Fina	l Penalty Total	\$1,270
			т.	his violation Fi	nal Assosso	d Penalty (adio	sted for limite)	\$1,270
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		LLC dba Stan Blas	t Abrasives				
Case ID No.					10/11/6/19	Starts selfer etc.	44 N. 15 145
g. Ent. Reference No.					C()	,	194
Media Violation No.	Air Quality 4				ranga ma	Percent Interest	Years of Depreciation
	E 5 5	TENEDE L	U 1984 B			5,0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			7,50	9.674.973		E TAREN
Delayed Costs				1500		- 1240 II (1877 H)	
Equipment				0,0	\$0	\$0	\$0
Buildings		Section Control		0,0	\$0	\$ \$0	\$0
Other (as needed)	PANE, Enright st			0.0	\$0	\$0	\$0
Engineering/construction '			Name of the last o	0.0	\$0	\$0	\$0
Land			engiskin jako nilatin	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	2-Feb-2007	18-Mar-2008	1.1	\$84	n/a	\$84
Remediation/Disposal		Alleman and the second		0.0	\$0	n/a	\$0
Permit Costs		1500	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0,0	\$0	n/a	\$0
Other (as needed)	\$250	2-Feb-2007	18-Mar-2008	1.1	\$14	n/a	\$14
Notes for DELAYED costs	after the pla	ant was made awar	e of the excess of procedures	acity ev will be	vent. Final date is implemented.	Date required is twe the projected date r	new reporting
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e			one-time avoided	
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pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0	<b>\$0</b>		

## **Compliance History**

Customer/Respondent/Owner-Operator:

CN600601140

U.S. Minerals, LLC

Classification: AVERAGE

Rating: 35.40

Regulated Entity:

RN100929140

STAN BLAST ABRASIVES

Classification: AVERAGE

Site Rating: 35.40

ID Number(s):

AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS

**PERMIT** ACCOUNT NUMBER

**PERMIT** 

18048 GB0132B 4816700079

9132

**STORMWATER STORMWATER** 

AFS NUM **PERMIT PERMIT** 

TXR05P606 TXR05Q339

Location:

5712 HARBORSIDE DR. GALVESTON, TX, 77554

Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region:

**REGION 12 - HOUSTON** 

Date Compliance History Prepared:

February 26, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

February 20, 2002 to February 20, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Rebecca Johnson

(713) 422-8931

#### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

No N/A

4. if Yes, who was/were the prior owner(s)?

3. If Yes, who is the current owner?

N/A

5. When did the change(s) in ownership occur?

N/A

## Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/30/2004

ADMINORDER 2004-0027-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

General Provision 3 PERMIT

Description: Failed to maintain all air pollution abatement equipment in good working order and operating

properly during normal facility operations.

Classification: Moderate

Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent opacity from exceeding 20%, averaged over a six-minute period.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter F 101.201(e)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to notify the appropriate TCEQ regional office not later than 24 hours after the discovery of an excess opacity event that has an opacity reading equal to or exceeding 15 additional percentage points above the applicable opacity limit, average over a six-minute period.

Any criminal convictions of the state of Texas and the federal government. В.

N/A

C. Chronic excessive emissions events.

The approval dates of investigations. (CCEDS Inv. Track. No.)

1 05/16/2003

(36375)

2 06/30/2003

(119417)

3 11/09/2004

(340325)

(348131)

Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

> 04/03/2003 (34713)Date:

Self Report? NO

30 TAC Chapter 116, SubChapter B 116,115(b)(1)

Citation:

5C THC Chapter 382, SubChapter A 382,085(b)

Rgmt Prov:

**PERMIT General Provision 3** 

Description:

Failed to maintain all air pollution abatement equipment in good working order

and operating properly during normal facility operations.

Self Report?

Classification 30 TAC Chapter 111, SubChapter A 111,111(a)(1)(B)

Citation:

5C THC Chapter 382, SubChapter A 382.085(b)

Description:

Failed to prevent opacity from exceeding 20%, averaged over a six-minute

Self Report?

NO

NO

Classification

Classification Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 101, SubChapter F 101.201(e)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description:

Failed to notify the appropriate TCEQ regional office not later than 24 hours after the discovery of an excess opacity event that has an opacity reading equal to or exceeding 15 additional percentage points above the applicable opacity limit.

average over a six-minute period.

05/16/2003 Date:

(36375)

Self Report?

NO

Citation:

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description:

Failure to update and maintain the Storm Water Pollution Prevention Plan.

NO

Classification Major

Major

Major

Moderate

Major

Major

100 Gaytan Look OK

Classification

Classification

Classification

Classification

Self Report? Citation:

TWC Chapter 26 26.121(b)

Description:

Failure to prevent the potential for unauthorized discharges.

Self Report?

NO TWC Chapter 26 26.121(b)

Citation: Description:

Failure to implement best management practices that prevent pollution in storm

KO CONDENSION AND HE WA

water discharges.

Self Report?

NO

NO

NO

Citation: Description:

30 TAC Chapter 281, SubChapter A 281.25(a)(4) Failure to provide adequate containment of the coal slag.

Self Report?

NO Classification

Citation:

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Self Report? Failure to conduct periodic inspections.

Citation:

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description:

Failure to conduct quarterly visual sampling.

Self Report?

Classification 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Citation: Description:

Failure to conduct hazardous metals monitoring for 2002.

F. Environmental audits.

N/A

Type of environmental management systems (EMSs), a second G.

N/A

Voluntary on-site compliance assessment dates. Н.

Participation in a voluntary pollution reduction program.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN \$ BEFORE THE
ENFORCEMENT ACTION \$
CONCERNING \$ TEXAS COMMISSION ON
U.S. MINERALS, LLC DBA STAN \$
BLAST ABRASIVES \$ ENVIRONMENTAL QUALITY
RN100929140

## AGREED ORDER DOCKET NO. 2007-0312-AIR-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding U.S. Minerals, LLC dba Stan Blast Abrasives ("US Minerals") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and US Minerals appear before the Commission and together stipulate that:

- 1. US Minerals owns and operates a coal slag crushing plant at 5712 Harborside Drive in Galveston, Galveston County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and US Minerals agree that the Commission has jurisdiction to enter this Agreed Order, and that US Minerals is subject to the Commission's jurisdiction.
- 4. US Minerals received notice of the violations alleged in Section II ("Allegations") on or about February 20, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by US Minerals of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Twenty-Six Thousand Thirty-Five Dollars (\$26,035) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). US Minerals has paid Twenty Thousand Eight Hundred Twenty-Eight Dollars (\$20,828) of the administrative penalty and Five Thousand Two Hundred Seven Dollars (\$5,207) is deferred contingent upon US Minerals' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If US Minerals fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require US Minerals to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and US Minerals have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that US Minerals completed repairs to the elevator chute, increased water flow to the screw conveyor, and added an additional spray bar to the screw conveyor on February 1, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that US Minerals has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, US Minerals is alleged to have:

- 1. Failed to prevent the opacity of emissions from a stationary vent from exceeding 20% averaged over a six-minute period, in violation of 30 Tex. ADMIN. CODE § 111.111(a)(1)(B) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted from December 14, 2006 to February 3, 2007. Specifically, on February 1, 2007 investigators documented emissions from a stationary vent with an opacity of 70% averaged over a six minute period.
- 2. Failed to ensure that all emission capture and abatement equipment is maintained in good working order and operated properly during facility operations, in violation of 30 TEX. ADMIN. CODE § 101.221(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from December 14, 2006 to February 3, 2007. Specifically, on December

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U.S. Minerals, LLC dba Stan Blast Abrasives DOCKET NO. 2007-0312-AIR-E Page 3

14, 2006 and February 1, 2007 investigators documented particulate matter being emitted from a hole in the elevator chute.

- 3. Failed to renew a permit to operate prior to the date the permit expires, in violation of 30 Tex. ADMIN. CODE § 116.315 and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted from December 14, 2006 to February 3, 2007. Specifically, during the investigation it was documented that Standard Permit No. 18048 was due to be renewed on June 30, 2003, however the permit has not been renewed and the Plant has continued to operate.
- 4. Failed to report an excess opacity event within 24 hours after discovery, in violation of 30 Tex. ADMIN. CODE § 101.201(e) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted from December 14, 2006 to February 3, 2007. Specifically, on February 2, 2007 and during subsequent database reviews it was documented that the February 1, 2007 excess opacity event was not reported to the TCEQ.

#### III. DENIALS

US Minerals generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that US Minerals pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and US Minerals' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: U.S. Minerals, LLC dba Stan Blast Abrasives, Docket No. 2007-0312-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that US Minerals shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, until such time authorization to operate is obtained or until 180 days after the effective date of this Agreed Order, which ever is earlier, comply with the provisions in expired Permit No. 18048.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Implement measures designed to prevent the recurrence of excess opacity events due to the same cause as the February 1, 2007 excess opacity event; and

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- ii. Develop and implement procedures to ensure proper notification of future excess opacity events.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.b.i. and 2.b.ii., as described in Ordering Provision No. 2.e.
- d. Within 180 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.e., that either authorization to operate all sources of air emissions has been obtained or that all unauthorized emissions have ceased until such time that appropriate authorization is obtained.
- e. The certifications required by Ordering Provision Nos. 2.c. and 2.d. shall in include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Program Manager, Air & Water Pollution Services Division Galveston County Health District Post Office Box 939 La Marque, Texas 77568

- 3. The provisions of this Agreed Order shall apply to and be binding upon US Minerals. US Minerals is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If US Minerals fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, US Minerals' failure to comply is not a violation of this Agreed Order. US Minerals shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. US Minerals shall notify the Executive Director within seven days after US

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 $(\mathbf{f}(\mathbf{r}) + \mathbf{f}(\mathbf{r}) + \mathbf{g}(\mathbf{r}) \mathbf{g}(\mathbf{r}) + \mathbf{g}(\mathbf{r}) \mathbf{g}(\mathbf{r}) = \mathbf{g}(\mathbf{r}) \mathbf{g}(\mathbf{r})$ 

U.S. Minerals, LLC dba Stan Blast Abrasives DOCKET NO. 2007-0312-AIR-E Page 5

- Minerals becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by US Minerals shall be made in writing to the Executive Director. Extensions are not effective until US Minerals receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against US Minerals in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to US Minerals, or three days after the date on which the Commission mails notice of the Order to US Minerals, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

U.S. Minerals, LLC dba Stan Blast Abrasives DOCKET NO. 2007-0312-AIR-E Page 6

For the Commission

Name (Printed or typed) Authorized Representative of

U.S. Minerals, LLC dba Stan Blast Abrasives

# SIGNATURE PAGE

8/21/2007

VICE PRESIDENT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

	For the Executive Director	Date
ď	attached Agreed Order on behalf of the entity,	the attached Agreed Order. I am authorized to agree to the if any, indicated below my signature, and I do agree to the her acknowledge that the TCEQ, in accepting payment for ch representation.
•	<ul> <li>failure to timely pay the penalty amount, may an an experience of the Attorney of any permit applicated.</li> <li>Referral of this case to the Attorney penalties, and/or attorney fees, or to a selection.</li> <li>Increased penalties in any future enformation.</li> <li>Automatic referral to the Attorney General and.</li> <li>TCEO seeking other relief as authorized.</li> </ul>	history; tions submitted by me; General's Office for contempt, injunctive relief, additional collection agency; cement actions against me; neral's Office of any future enforcement actions against me;
	ATT.	~ 31 07

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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